

ORDINANCE NO. 2002-26-CM

AN ORDINANCE TO AMEND THE SUBDIVISION ORDINANCE OF
TIPPECANOE COUNTY, INDIANA, NO. 79-31

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA, THAT THE UNIFIED SUBDIVISION ORDINANCE, BEING A SEPARATE ORDINANCE AND NOT PART OF A UNIFIED COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:

Section 1: Change subparts (a), (b), (c), (d) and (h) of part (3) STANDARDS, of subsection 3.5 PARCELIZATION, of **Section 3** SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES to read:

- (a) **Number and Area of Parcels.**
Parcelization shall not be permitted inside incorporated areas. The maximum number of parcels that can be created from a parent tract as defined in subsection 2.2 of this ordinance, and the minimum area of those parcels shall be as follows:

Zoning Classification of Land to be Parcelized	Maximum No. of Parcels	Minimum Area of Parcels, Exclusive of Right-of-Way*
AA	2	2 acres

*Unless Tippecanoe County Ordinance 99-30-CM or its successors requires more.

A parcel may contain some FP-zoned land as well, but only if there is sufficient land within the non-FP portion to place a primary use building and its accessory buildings and paved areas and still conform with the Unified Zoning Ordinance and Tippecanoe County Ordinance 99-30-CM or its successors. Parcel area shall be measured exclusive of right-of-way.

- (b) **Parcels Abutting a Public Road.**
For parcels that abut a public road, the minimum parcel width shall be 200 feet. Parcel width shall be measured along the right-of-way line of the public road. For parcels abutting more than one public road, parcel width standards shall apply along each public road abutted. For parcels abutting a public road that cannot derive access from that road, an easement for vehicular access and utility placement, connecting all such parcels to a public road, shall be provided at the time of parcelization.
- (c) **Parcels Not Abutting a Public Road.**
For parcels that do not abut a public road, the minimum parcel width shall be in accordance with the requirements of Tippecanoe County Ordinance 99-30-CM, *The Private Sewage Disposal Ordinance of Tippecanoe County*, or its successors, but in no case less than 100'. For each such parcel, either a front lot line and all necessary setbacks or a building setback of 25 feet from all property lines, shall be included either on the drawings or recorded as a covenant. An easement for vehicular access and utility placement, connecting all such parcels to a public road, shall be provided at the time of parcelization.
- (d) **Sewage Disposal.**
Each parcel shall be served either by sanitary sewer or on-site sewage disposal system. Sanitary sewer is required when the sewer provider (city, town or American Suburban Utilities) determines in writing that service is available and a sewer line is located no farther than 300' from the lot line of the nearest proposed parcel. For proposed parcels not meeting the requirements for sanitary sewer on-site sewage disposal systems that meet the standards of Tippecanoe County Ordinance 99-30-CM or its successors shall be required.
- (h) **Saving Provision.**
All parcelizations recorded, or approved and still eligible to be recorded, shall remain valid. A parcelization application submitted prior to October 1, 2002, shall be reviewed under the previous ordinance, but only if it meets all requirements of *Unified Subdivision Ordinance* section 3.5(2) by the close of business on September 30, 2002.

Section 2: Change subparts (a) and (c) of part (4) DOCUMENTATION of subsection 3.5 PARCELIZATION, of **Section 3** SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES to read:

- (a) **Sewage Disposal.**
If the property to be parcelized is located outside the Cities of Lafayette and West Lafayette or the Towns of Dayton, Battle Ground, and Clarks Hill but within an area served by a sanitary sewer system from an incorporated city or town, the land divider shall submit written documentation from the appropriate service provider as to whether sanitary sewer would be available for use. If such service is unavailable, or if the property is located beyond the areas served by the systems, the land divider shall provide written documentation that the County Board of Health has been satisfied that the standards of Tippecanoe County Code Ordinance 99-30, or its successors, have been met to assure the

continued operation or the proper installation of an on-site sewage disposal system on each parcel.

- (c) **Easements for Private Drives.**
Should the land divider at the time of parcelization provide an easement for a private drive connecting parcels to a public road, the land divider shall submit ten copies of the description of that easement prepared by a registered land surveyor, and signed by all owners and notarized. Where applicable, a statement shall be appended to each legal description of each parcel as follows: "This parcel is subject to an easement for ingress and egress recorded in _____ Record _____, Page _____." Should the land divider choose to submit parcelization drawings, the description should appear on the face of the drawings and be signed by all owners and notarized. An additional statement must accompany any such easement description indicating that private driveways constructed in these easements shall not be accepted for maintenance by any participating jurisdiction.

Section 3: Change part (5) PRIVATE DRIVEWAYS of subsection 3.5 PARCELIZATION, of **Section 3** SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES to read:

- (5) **Private Driveways**
The construction and maintenance of private driveways built to provide access to parcels shall be the responsibility of the owner or owners of the land. These driveways shall not be accepted for maintenance by participating jurisdictions. A private driveway shall not be named if it serves less than six (6) parcels, lots and or tracts. A private driveway shall be named by the land divider when it serves at least six (6) parcels, lots and/or tracts. The name shall first be approved by the Commission's Staff, the 911 Coordinator and the U.S. Postal Service as not duplicating, or too closely approximating phonetically, the name of any other street whether public or private, in the area covered by this ordinance. A sign indicating the name of the private driveway only may be erected, provided that the sign is not constructed with white letters on a green background, and is not constructed using any other format or color scheme used by a participating jurisdiction to identify a publicly maintained street or road. The words "private drive" shall be placed after the name. Placement of the sign shall be approved by the Executive Director of the County Highway Department or his designee at the time of the driveway permit issuance.

Section 4: Change subpart (a) of part (7) DISSOLUTION of subsection 3.5 PARCELIZATION, of **Section 3** SUBDIVISION APPLICATION PROCEDURES AND APPROVAL PROCESSES to read:

- (a) Upon recording the dissolution statement, the land involved, for purposes of land division, is restored to its pre-parcelization status.

Section 5: This ordinance shall be in full force and effect on October 1, 2002. Beyond October 1, 2002, a previously submitted parcelization application shall be reviewed under the previous ordinance, but only if it meets all requirements of *Unified Subdivision Ordinance* section 3.5(2) by the close of business on September 30, 2002.

Adopted And Passed by the Board Of Commissioners of Tippecanoe County, Indiana, this 1st day of July, 2002.

VOTE:

<u>Yes</u>	_____
	John L. Knochel, President
<u>Yes</u>	_____
	KD Benson, Vice President
<u>Yes</u>	_____
	Ruth E. Shedd, Member

ATTEST:

Robert A. Plantenga, Auditor